

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

SALISBURY TOWNSHIP,)	
)	
Plaintiff/Creditor)	Bankruptcy No. 21-13239
v.)	
)	
NANCY J. WARMKESSEL,)	Chapter 13
And LLEWELLYN C. WARMKESSEL)	
)	
Defendants/Debtors)	

MOTION REQUESTING RELIEF FROM THE AUTOMATIC STAY

AND NOW COMES SALISBURY TOWNSHIP, creditor of the bankrupt parties, and files this Motion Requesting Relief of the Automatic Stay and in support thereof avers the following:

1. Salisbury Township is a municipal corporation with its principal place of business being located at 2900 South Pike Avenue, Allentown, Lehigh County, PA 18103 and is a creditor of the debtor, above named, is a party interest in this proceeding.
2. Salisbury Township provides a number of utility services to this property and debtor, those services being sewer and refuse pick up.
3. At this point in time, with regard to post-filing bankruptcy amounts, the debtor now owes the Township \$713.03, being \$309.39 for their sewer charges January 1, 2022 through September 30, 2022 and refuse charges of \$383.64 due from April 1, 2022 through December 31, 2022 and Twenty (\$20.00) Dollars for a returned check fee.
4. A payment was made by the Warmkessels prior to July 20, 2022, which was returned for "not-sufficient funds".

5. The Township also has a returned check policy of \$20.00 for NSF fees added to the account.

6. The balance due and owing at that point in time was \$419.01.

7. In addition, the adequate assurance has not been posted.

8. There may be additional charges due and owing, since the services are still being provided to the debtors at their property at 830 Gilly Avenue, Bethlehem, Salisbury Township, PA.

9. The debtor continues to receive the benefit of municipal services but has failed to pay the bills for those services.

10. The adequate assurance is to secure the post-filing debt, which, as it turns out, the debtor has not paid.

11. The adequate assurance amount was based on the average of three quarters of bills for services which have been provided to this property.

12. The Township will continue to incur financial expenditures with regard to these services unless this Motion for Relief from the Stay is granted and the Township obtains permission to terminate services to this property.

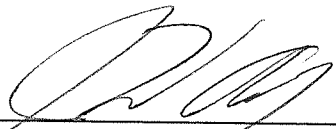
13. In addition, despite requests for adequate assurance, the debtor has failed to post the same.

WHEREFORE, Salisbury Township requests this Honorable Court to enter an Order granting it relief from the Automatic Stay so it may terminate municipal services, sewer and refuse pick up, to the residence. It is also requesting this Honorable Court to award a judgment against the debtor's estate in the amount of \$713.03, which should be treated as a priority debt, as it is a post-filing debt for municipal services which remain unpaid despite requests. In

addition, the Township requests that it be able to obtain a judgment for any additional expenses which the Township may incur moving forward in this matter until such time as the utility services to the property can be terminated. In addition, the Township requests other relief from the stay so that it may protect its rights with regard to this debtor and this property.

Respectfully submitted:

Attorney for Salisbury Township

By: 
John W. Ashley, Esquire
Attorney ID#32645

Dated: 12/21/2022

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